



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE June 20, 2014 EFFECTIVE DATE July 7, 2014	CONTACT/PHONE Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us	APPLICANT James Forage	FILE NO. DRC2013-00063
SUBJECT Hearing to consider a request by James Forage for a Minor Use Permit to allow an exception to the design standards for a secondary dwelling to be located more than the maximum distance requirement of 250 feet from the primary dwelling and site disturbance of over an acre. The secondary dwelling will be located approximately 1,000 feet from the primary residence. The project will result in the disturbance of 1.23 acres of an approximately 209 acre parcel. The proposed project is within the Residential Rural and Rural Lands land use categories and is located at 3355 See Canyon Road, approximately four miles south west of The City of San Luis Obispo. The site is in the San Luis Obispo planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2013-00063 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption].			
LAND USE CATEGORY Rural Lands/ Residential Rural	COMBINING DESIGNATION Flood Hazard/ Geologic Study Area	ASSESSOR PARCEL NUMBER 076-103-021	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: None applicable <i>Does the project meet applicable Planning Area Standards:</i> Not applicable			
LAND USE ORDINANCE STANDARDS: 22.10.060 – Lighting, 22.10.090 – Height Limitations, 22.10.130 – Residential Density, 22.10.140 – Setbacks, 22.30.430 – Caretakers Unit, 22.30.470 – Secondary Dwellings <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on July 7, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Four single family residences, numerous accessory structures			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Grazing, undeveloped <i>East:</i> Residential Rural/Scattered residences, agricultural uses <i>South:</i> Rural Lands/Undeveloped <i>West:</i> Residential Rural and Rural Lands/Scattered residences and agricultural uses			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CalFire	
TOPOGRAPHY: Gently to steeply sloping	VEGETATION: Grasses, forbs, shrubs, oaks, orchards
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CalFire	ACCEPTANCE DATE: May 14, 2014

DISCUSSION

PROJECT DESCRIPTION

The applicant is proposing to construct a 13,703 square foot single family residence with 12,694 square foot unconditioned basement and 1,714 square foot attached garage to be located approximately 1,000 feet from an existing 1,160 square foot residence. The smaller residence will become the secondary dwelling on the property.

Land Use Ordinance standards require that a secondary residence be located within 250 feet of the primary residence on parcels over two acres in size. This standard can be waived through the approval of a Minor Use Permit.

The Minor Use Permit is also requesting site disturbance over one acre for access improvements and structural development. The total area of disturbance is 1.23 acres with 2,000 cubic yards of cut and 2,500 cubic yards of fill.

The project site contains numerous dwellings and structures. The applicant has requested that a 2-year bond be posted prior to issuance of construction permits for the 13,000 square foot residence for the conversion of the dwellings and structures on the property to bring them into compliance with ordinance and building code standards. Conversion of the structures would occur prior to occupancy of the new residence.

Staff does not support the applicant's request to post a bond for the conversion of the existing structures on the site. There is currently an open code enforcement case (COD2012-00194) for expired permits (PMT2008-00083, PMT2008-00086, PMT2008-00934). This case will need to be resolved prior to issuance of construction permits for the currently proposed uses. A condition has been added accordingly. In addition to the code enforcement case, structures that were built without permits or that need to be converted to other uses will need to be brought into compliance prior to issuance of construction permits for the primary residence because staff cannot issue new permits where code violations exist. These permits will need to be finalized prior to final inspection or occupancy of the primary dwelling.

The following table shows the permit history for the parcel:

Permit Number	Permit Type	Status
PMT2008-00079	Demo existing MH	Expired
PMT2008-00082	Demo existing MH (63014)	Expired
PMT2008-00083	Replacement MH	Expired

PMT2008-00084	Garage for MH	Expired
PMT2008-00085	Convert living space to storage (535 sq.ft.)	Expired
PMT2008-00086	Greenhouse	Expired
PMT2008-00087	Greenhouse	Withdrawn
PMT2008-00088	Convert portion of SFD (584) to garage	Expired
PMT2008-00089	Convert SFD to workshop	Expired
PMT2008-00934	Temporary Power	Expired
PMT2008-01220	Addition to SFD (10,445 sq.ft.)	Expired
PMT2008-01449	Firesprinklers for addition	Expired
PMT2013-00934	13,703 sq.ft. SFD	Under review

The following table shows the structures on the property and their status:

Type of Structure	Status	Permits required
Pole Barn	No permits found	Yes
900 square foot Residence (proposed caretaker unit)	Assessed in 1948	No
1,744 square foot residence (proposed secondary dwelling)	Built in 1961	Yes, to convert family room (584 sq.ft.) to garage to meet secondary dwelling size standard
400 square foot rental	No permits found	Yes, convert to storage or remove
850 square foot residence	Permit 32367 for multi-use ag. building	Yes, to convert to other use or remove
Mobile Home	Removed	Yes, permit needs to be finalized (PMT2008-00082)
2 Barns	No permits found	Yes

LAND USE ORDINANCE STANDARDS

22.14.060 – Flood Hazard Area – Portions of the site are within the Flood Hazard combining designation (see the attached map showing the area subject to these standards). The proposed primary residence is located in a clearing outside the designated flood hazard area, so it is not

subject to these standards; however several of the structures that will need permitting/conversion are located within the flood hazard designation and may be subject to these standards.

22.14.070 – Geologic Study Area – A portion of the northeastern corner of the site is located within the Geologic Study Area (see the attached map for the mapped area). The area proposed for development is outside of this area and is not subject to these standards.

22.10.060 – Exterior Lighting - Standards include: minimizing light intensity, directing lighting onto the lot, and shielding of fixtures. Conditions have been added to the project to comply with these standards.

22.10.090 – Height Limitations – The maximum allowed height is 35 feet. As proposed, the residence will be 18 feet which complies with this standard.

22.10.130 – Residential Density – The portion of the parcel that is being developed is within the Residential Rural land use category which allows one primary dwelling of any size and one secondary dwelling up to 1,200 square feet. A caretakers unit can be allowed on a parcel to provide housing for an employee of the commercial operation occurring on the property. In this case, there are existing orchards and grazing lands on the site, so the applicant is requesting that the existing 900 square foot residence remain as a caretaker unit.

22.10.140 – Setbacks – Setbacks required are 25 feet from the front property line, 30 feet from the side and rear property lines. The proposed residence is located toward the center of the 209 acre parcel, so the project complies with these standards.

22.30.430 – Residential Caretakers Unit – One permanent accessory dwelling is permitted for purposes of housing a caretaker employed on the site of any allowable agricultural, commercial, institutional or industrial use in all categories except Residential Single Family, and Residential Multiple Family. The applicant has requested that the existing 900 square foot residence located closest to See Canyon Road remain as a caretaker residence for the agricultural uses on the property including maintenance of the existing approximately six acres of orchards and approximately 60 acres of grazing lands. A condition has been added to the project for recordation of an agreement to ensure the structure remains a caretaker unit and is not converted to another residential use.

22.30.470 – Secondary Dwellings - This section of the Land Use Ordinance states that on sites that are over two acres, the maximum square footage of the secondary dwelling is 1,200 square feet and that the secondary unit be located within 250 feet of the primary residence. This section also allows the Review Authority to approve exceptions to design standards to allow a secondary dwelling to be located farther than 250 feet from the primary residence if there are site constraints that would preclude locating the second unit within the 250 feet.

Neighborhood Compatibility: The area is zoned Residential Rural, Agriculture and Rural Lands and consists of smaller residentially zoned parcels along See Canyon Road with larger parcels on the west side of the road and the steeper hillsides to the east. There is a large mix of housing types and uses along this road from single family residences to commercial orchards.

Distance Waiver Request: The project site is 209 acres. The project proposes an approximately 1,000-foot separation between the primary and secondary dwelling. Within 250 feet of the existing primary residence, there are steep slopes with oak trees, orchards, a creek and existing structural development. Placing the secondary dwelling within the 250-foot distance requirement would require removal of the orchard or necessitate significant grading

and removal of several oak trees and/or existing structures. In addition, the placement of the secondary dwelling is further back from See Canyon Road and will not be visible from public roads. For these reasons, staff is in support of the distance waiver request.

STAFF COMMENTS

Site disturbance of over an acre requires a Minor Use Permit be processed in order to review the site for potential impacts and ensure that proper drainage and sedimentation controls are in place to avoid potentially significant impacts to the surrounding area. As stated above, the grading plan shows 1.23 acres of site disturbance with 2,000 cubic yards of cut and 2,500 cubic yards of fill. Most of the site disturbance will be located in a clearing where the proposed 13,000 square foot residence will be located, with the remainder for access improvements from an existing DG driveway. No tree removal will occur with the proposal. Due to the amount of disturbance, a Stormwater Pollution Prevention Plan (SWPPP) will be required prior to issuance of permits for the primary residence.

AGENCY REVIEW:

Public Works – Responded with “no concerns”

CalFire – Supportive of waiver request (see attached fire safety letter)

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.